

REMARKS

Section 102 Rejections:

The Examiner rejected claims 1-5, 8, 10 and 11 as being anticipated by Dion '867.

The Examiner also rejected claims 1 and 7 as being anticipated by Drucker '777.

(a) The Presently Claimed Invention:

Claims 1 and 8 have been amended to set forth the rotatable resecting element having a hollowed out distal end. claim 8 has further been amended to set forth the portion of the bony tissue which has been resected is received within this hollowed out distal end of the resecting element.

This feature of the present invention is seen most clearly in Fig. 6 which shows a sectional view through resector (burr 16). Specifically, the hollowed out distal end is shown as "end tip 30", which may comprise "teeth 32". (See page 4, lines 1 to 10 of the specification).

In particular, the present system resects bony tissue by advancing a rotating resector (such as a spinning burr) directly into the tissue. As such, the present system resects at the distal end of the resector.

Advantages of the resector having a hollowed out distal end, as presently claimed, may include: (1) the burr "self-centering on the facet joint, thereby preventing the burr from walking on the surface of the joint as it is rotated" (See page 4, lines 4 to 5 of the specification); and (2) "...cut away bone fragments may be stored within the conical shape of end tip 32" (See page 4, lines 6 to 7 of the specification).

(b) The Dion '867 and Drucker '777 Systems:

Both of the Dion and Drucker systems set forth surgical cutting instruments. In each of these systems, a rotating element is used to cut through tissue.

(c) The Presently Claimed Invention Distinguished:

Claims 1 and 8 have been amended to set forth the distal end of the resecting element being hollowed out.

This feature is advantageous in that as tissue is resected, it can be stored within the hollowed out distal end of the resector.

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In contrast, neither the Dion nor Drucker systems comprise a resecting element having a hollowed out distal end, as claimed.

The allowance of claims 1 and 8, and claims 2 to 7 and 9 to 11 depending therefrom, is respectfully requested.

**Allowable Subject Matter:**

The Examiner indicated that claims 6 and 9 contain allowable subject matter.

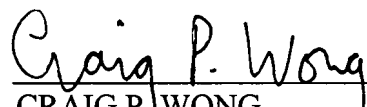
New claims 12 and 13 correspond to originally filed claims 6 and 9 placed in independent form, and are thus believed to be allowable.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
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